



## FEDERAL MARITIME COMMISSION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice.

**SUMMARY:** The Federal Maritime Commission (Commission) is giving public notice that the agency has submitted to the Office of Management and Budget (OMB) for approval the continuing information collections (extensions with no changes) described in this notice. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted at the addresses below on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] to be assured of consideration.

**ADDRESSES:** Comments should be addressed to:

Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attention: Patrick Fuchs  
Desk Officer for Federal Maritime Commission  
725 – 17<sup>th</sup> Street, NW  
Washington, D.C 20503  
[OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV)  
Fax (202) 395-5167

and to:

Vern W. Hill, Managing Director  
Office of the Managing Director  
Federal Maritime Commission  
800 North Capitol Street, NW  
Washington, DC 20573  
Telephone: (202) 523-5800  
[omd@fmc.gov](mailto:omd@fmc.gov)

Please send separate comments for each specific information collection listed below, and reference the information collection's title and OMB number in your comments.

**FOR FURTHER INFORMATION CONTACT:**

Copies of the submission(s) may be obtained by contacting Donna Lee on 202-523-5800 or e-mail: [dlee@fmc.gov](mailto:dlee@fmc.gov).

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the Commission invites the general public and other Federal agencies to comment on proposed information collections. On June 18, 2014, the Commission published a notice and request for comments in the **Federal Register** (79 FR 34748) regarding the agency's request for continued approval from OMB for information collections as required by the Paperwork Reduction Act of 1995. The Commission received no comments on any of the requests for extensions of OMB clearance. The Commission has submitted the described information collections to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Information Collections Open for Comment**

*Title:* 46 CFR Part 565 – Controlled Carriers.

*OMB Approval Number:* 3072-0060 (Expires September 30, 2014).

*Abstract:* Section 9 of the Shipping Act of 1984, 46 U.S.C. 40701-40706, requires that the Commission monitor the practices of controlled carriers to ensure that they do not maintain rates or charges in their tariffs and service contracts that are below a level that is just and reasonable; nor establish, maintain or enforce unjust or unreasonable classifications, rules or regulations in those tariffs or service contracts which result or are likely to result in the carriage or handling of cargo at rates or charges that are below a just and reasonable level. 46 CFR part 565 establishes the method by which the Commission determines whether a particular ocean common carrier is a controlled carrier subject to section 9 of the Shipping Act of 1984. When a government acquires a controlling interest in an ocean common carrier, or when a controlled carrier newly enters a United States trade, the Commission's rules require that such a carrier notify the Commission of these events.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission uses these notifications in order to effectively discharge its statutory duty to determine whether a particular ocean common carrier is a controlled carrier and therefore subject to the requirements of section 9 of the Shipping Act of 1984.

*Frequency:* The submission of notifications from controlled carriers is not assigned to a specific time frame by the Commission; they are submitted as circumstances warrant. The Commission only requires notification when a majority portion of an ocean common carrier becomes owned or controlled by a government, or when a controlled carrier newly begins operation in any United States trade.

*Type of Respondents:* Controlled carriers are ocean common carriers which are owned or controlled by a government.

*Number of Annual Respondents:* It is estimated that 4 of the currently classified controlled carriers may respond in any given year. Classifications are reviewed periodically to determine current status of respondents and to increase or decrease the number of controlled carriers based on new circumstances. The Commission cannot anticipate when a new carrier may enter the United States trade; therefore, the number of annual respondents may fluctuate from year to year and could increase to 10 or more at any time.

*Estimated Time Per Response:* The estimated time for compliance is 7 person-hours per year.

*Total Annual Burden:* The Commission estimates the person-hour burden required to make such notifications at 28 person-hours per year.

*Title:* 46 CFR part 525 – Marine Terminal Operator Schedules and Related Form FMC-1.

*OMB Approval Number:* 3072-0061 (Expires September 30, 2014).

*Abstract:* Section 8(f) of the Shipping Act of 1984, 46 U.S.C. 40501(f), provides that a marine terminal operator (MTO) may make available to the public a schedule of its rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. The Commission's rules governing MTO schedules are set forth at 46 CFR part 525.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission uses information obtained from Form FMC-1 to determine the organization name, organization number, home office address, name and telephone number of the firm's representatives and the location of MTO schedules of rates, regulations and practices, and publisher, should the MTOs determine to make their schedules available to the public, as set forth in section 8(f) of the Shipping Act.

*Frequency:* This information is collected prior to an MTO's commencement of its marine terminal operations.

*Type of Respondents:* Persons operating as MTOs.

*Number of Annual Respondents:* The Commission estimates the respondent universe at 29, of which 15 opt to make their schedules available to the public.

*Estimated Time Per Response:* The time per response for completing Form FMC-1 averages 0.5 person hours, and approximately 5 person-hours for related MTO schedules.

*Total Annual Burden:* The Commission estimates the total person-hour burden at 90 person-hours.

*Title:* 46 CFR part 520 – Carrier Automated Tariffs and Related Form FMC-1.

*OMB Approval Number:* 3072-0064 (Expires September 30, 2014).

*Abstract:* Except with respect to certain specified commodities, section 8(a) of the Shipping Act of 1984, 46 U.S.C. 40501(a)-(c), requires that each common carrier and conference shall keep open to public inspection, in an automated tariff system, tariffs showing its rates, charges, classifications, rules, and practices between all ports and points on its own route and on any through transportation route that has been established. In addition, individual carriers or

agreements among carriers are required to make available in tariff format certain enumerated essential terms of their service contracts. 46 U.S.C. 40502. The Commission is responsible for reviewing the accessibility and accuracy of automated tariff systems, in accordance with its regulations set forth at 46 CFR part 520.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission uses information obtained from Form FMC-1 to ascertain the location of common carrier and conference tariff publications, and to access their provisions regarding rules, rates, charges and practices.

*Frequency:* This information is collected when common carriers or conferences publish tariffs.

*Type of Respondents:* Persons desiring to operate as common carriers or conferences.

*Number of Annual Respondents:* The Commission estimates there are 4,900 Carrier Automated Tariffs. It is estimated that the number of annual respondents will be 1,882.

*Estimated Time Per Response:* The time per response ranges from 0.1 to 2 person-hours for reporting and recordkeeping requirements contained in the rules, and 0.5 person-hours for completing Form FMC-1.

*Total Annual Burden:* The Commission estimates the total person-hour burden at 2,735 person-hours.

*Title:* 46 CFR part 530 – Service Contracts and Related Form FMC-83.

*OMB Approval Number:* 3072-0065 (Expires September 30, 2014).

*Abstract:* Section 8(c) of the Shipping Act of 1984, 46 U.S.C. 40502, requires service contracts, except those dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper or paper waste, and their related amendments and notices to be filed confidentially with the Commission.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission monitors service contract filings for acts prohibited by the Shipping Act of 1984.

*Frequency:* The Commission has no control over how frequently service contracts are entered into; this is solely a matter between the negotiating parties. When parties enter into a service contract, it must be filed with the Commission.

*Type of Respondents:* Parties that enter into service contracts are ocean common carriers and agreements among ocean common carriers on the one hand, and shippers or shipper's associations on the other.

*Number of Annual Respondents:* The Commission estimates an annual respondent universe of 103.

*Estimated Time Per Response:* The time per response ranges from 0.1 to 1 person-hours for reporting and recordkeeping requirements contained in the rules, and 0.1 person-hours for completing Form FMC-83.

*Total Annual Burden:* The Commission estimates the total person-hour burden at 74,517 person-hours.

*Title:* 46 CFR part 531 – NVOCC Service Arrangements and Related Form FMC-78.

*OMB Approval Number:* 3072-0070 (Expires September 30, 2014).

*Abstract:* Section 16 of the Shipping Act of 1984, 46 U.S.C. 40103, authorizes the Commission to exempt by rule “any class of agreements between persons subject to this part or any specified activity of those persons from any requirement of this part if the Commission finds that the exemption will not result in substantial reduction in competition or be detrimental to commerce. The Commission may attach conditions to an exemption and may, by order, revoke an exemption.” 46 CFR part 531 allows non-vessel-operating common carriers (NVOCCs) and shippers’ associations with NVOCC members to act as shipper parties in NVOCC Service Arrangements (NSAs), and to be exempt from certain tariff publication requirements of the Shipping Act provided the carriage in question is done pursuant to an NSA filed with the Commission and the essential terms are published in the NVOCC’s tariff.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission uses filed NSAs and associated data for monitoring and investigatory purposes and, in its proceedings, to adjudicate related issues raised by private parties.

*Frequency:* The filing of NSAs is not assigned a specific time by the Commission; NSAs are filed as they may be entered into by private parties. When parties enter into an NSA, it must be filed with the Commission.

*Type of Respondents:* Parties that enter into NSAs are NVOCCs and shippers’ associations with NVOCC members.



*Number of Annual Respondents:* The Commission estimates an annual respondent universe of 79.

*Estimated Time Per Response:* The time per response ranges from 0.1 to 1 person-hours for reporting and recordkeeping requirements contained in the rules, and 1 person-hour for completing Form FMC-78.

*Total Annual Burden:* The Commission estimates the total person-hour burden at 895 person-hours.

Karen V. Gregory,  
Secretary.

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